

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
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DESHAWN DANIELS,

Plaintiff,

-v-

DETECTIVE BRIAN TAYLOR, DETECTIVE
JAMES CLEARY, SERGEANT WESLEY
FRADERA, and DETECTIVE NEIL
MAGLIANO,

Defendants.

No. 18-CV-3717 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

No later than February 19, 2020, the parties shall submit supplemental briefing, not to exceed ten pages, discussing how the Supreme Court's decision in *McDonough v. Smith*, 139 S.Ct. 2149 (2019), affects the analysis of Plaintiff's § 1983 fair trial claim. Specifically, the parties shall address the following questions:

1. Does *McDonough* establish that a favorable termination is an element of a fair trial claim?
2. Assuming *McDonough* establishes that a favorable termination is an element of a fair trial claim, does an adjournment in contemplation of dismissal constitute a favorable termination in the context of a fair trial claim even if it does not constitute a favorable termination in the context of a malicious prosecution claim? In answering this question, the parties shall discuss the Eastern District of New York's decision in *Ross v. City of New York*, No. 17-CV-3505 (PKC), 2019 WL 4805147, at *6-8 (E.D.N.Y. Sept. 30, 2019).

SO ORDERED.

Dated: February 5, 2020
New York, New York



Ronnie Abrams
United States District Judge